

**RECEIVED
CENTRAL FAX CENTER**

AUG 02 2006

FRANK J. UXA, JR.*
ROBERT D. BUYAN*
DONALD E. STOUT
KENTON R. MULLINS
LINDA ALLYSON FOX
JENNIFER K. ROSENFELD**

OF COUNSEL:
CARLOS A. FISHER*

**LAW OFFICES OF
STOUT, UXA, BUYAN & MULLINS, LLP**

4 VENTURE, SUITE 300
IRVINE, CALIFORNIA 92618
(949) 450-1750
FACSIMILE: (949) 450-1764

PATENTS, TRADEMARKS,
COPYRIGHTS, AND RELATED
INTELLECTUAL PROPERTY
MATTERS

*PROFESSIONAL CORPORATION
**ADMITTED IN MASSACHUSETTS -
NOT ADMITTED IN CALIFORNIA

OUR FILE NO.

NEOME-019A2US

FACSIMILE COVER SHEET

Date: August 2, 2006

To: Commissioner for Patents
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,266
Int. Patent Application No. PCT/US04/18483
Inventor(s): Mittelstein et al.
"Devices and Methods Useable for Treatment of Glaucoma and Other
Surgical Problems"

From: Robert D. Buyan

Total No. of Pages: 14 (including this form). Please notify us immediately if you have not
received all pages.

Attached: Response to Notification of Missing Requirements (2 pgs.)
Copy of Notification of Missing Requirements (2 pgs.)
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)
Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by
Assignee (1 pg.)
Copy of recorded Assignment (6 pgs.)

PRIVACY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address. Thank you.

**RECEIVED
CENTRAL FAX CENTER**

AUG 02 2006

Atty. Docket No.: NEOME-019A2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mittelstein et al.

U.S. App. No.: 10/560,266

Int. App. No.: PCT/US04/18483

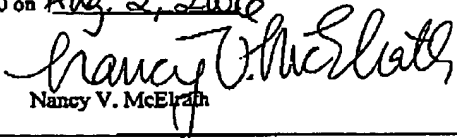
For: Devices and Methods Useable for
Treatment of Glaucoma and Other
Surgical Procedures

) Art Unit: Unassigned

) Examiner: Unassigned

) **CERTIFICATE OF
FACSIMILE TRANSMISSION**
I hereby certify that this document is being
transmitted by facsimile to the Commissioner for
Patents, Alexandria, VA 22313-1450 at (571)273-
8300 on Aug. 2, 2006

By:


Nancy V. McElrath**Response to Notification of Missing Requirements
Transmittal Letter**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the
United States Designated/Elected Office (DO/EO/US) mailed May 2, 2006:

- ☒ Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- ☒ Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- ☒ Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- ☒ Enclosed is a copy of the recorded Assignment (6 pgs.).
- ☒ Applicant hereby claims small entity status.

Atty. Docket No.: NEOME-019A2US

- ☒ Applicant hereby petitions for a one-month extension of time to respond to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- ☒ The Commissioner is hereby authorized to charge the one-month extension fee (\$60) and the surcharge (\$65) and any underpayment or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

Date:

August 1, 2006



Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, CA 92618
Telephone: (949) 450-1750
Facsimile: (949) 450-1764
Email: rbuyan@patlawyers.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/560,265	FIRST NAMED APPLICANT Michael Mittelstein	ATTY. DOCKET NO. NEOME-019A2US
---	--	-----------------------------------

INTERNATIONAL APPLICATION NO.

PCT/US04/18482

IA. FILING DATE 06/10/2004	PRIORITY DATE 06/10/2003
-------------------------------	-----------------------------

Robert D Buyan
 Stout Uxa Buyan & Mullins
 4 Venture
 Suite 300
 Irvine, CA 92618

5/15/06
 [Signature]

CONFIRMATION NO. 3349

371 FORMALITIES LETTER



0000000018652026

Date Mailed: 05/02/2006

Response Due 7/2/06

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Copy of IPE Report filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,265	PCT/US04/18482	NEOME-019A2US

FORM PCT/DO/EO/905 (371 Formalities Notice)